



Practitioner's Docket No. 13429-40254

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: James M. Carter

Application No.: 09/898,648

Art Unit: 2642

Filed: July 3, 2001

Examiner: Chiang, Jack

For: CARRIER WITH BUILT-IN AMPLIFICATION FOR PERSONAL AUDIO  
DEVICE

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**RESPONSE TO OFFICE ACTION OF AUGUST 30, 2005**

In response to the Office Action of August 30, 2005, Applicant submits the following:

**REMARKS**

Examiner rejects claim 9 as anticipated by Magnusson et al., U.S. Patent No. 6,712,249 ("the '249 patent"), under 35 U.S.C. §§ 102(e). Applicant respectfully asserts that such a rejection is improper. Applicant's present application was filed on July 3, 2001. The '249 patent was filed on May 15, 2002, and claims priority from and, allegedly, is a continuation-in-part of application No. 09/777,232 ("the parent application"), which was filed on February 5, 2001. However, the elements Examiner believes are anticipated by the '249 patent are not disclosed in the parent application, as described in further detail below. Further, despite the claim of priority to the parent